THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17149 of 1995

ORAL ORDER:

This writ petition is filed being aggrieved by the order dated 9.12.1994 made in M.P.No.7 of 1994 on the file of the first respondent-Tribunal, wherein the claim of the second respondent under Section 33(c)(2) was taken up and ordered as prayed for. Aggrieved by the same, the management filed the present writ petition.

It is the case of the petitioner-management that without giving sufficient opportunity, the petition was ordered ex parte and though petitioner filed I.A.Nos.119 and 55 of 1995, but the same were dismissed as not maintainable.

It is a fact that in a case of this nature, even if an ex parte order was to be passed, it is for the authority to discuss the reasons for granting such relief, but no reasons were furnished in the impugned order. The impugned order simply states that "Respondent and its Advocate are absent though waited till 4.00 p.m. Heard counsel for petitioner. The claim of the petitioner is established. Petition is allowed".

I am of the opinion that the impugned order passed by the first respondent is arbitrary and illegal, therefore, the same is liable to be set aside.

In the result, the writ petition is allowed and the impugned order is set aside and the matter is remitted back to the first respondent-Tribunal. The first respondent shall consider the matter afresh and dispose of the same as per law, after hearing both the parties, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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C.V.RAMULU, J

Date: 2.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17149 of 1995

2.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17149 of 1995

Date: 2nd November, 2006

Between:

M/s Aries Marketing Pvt. Ltd., rep. by its
Branch Manager, Balanagar,
Ranga Reddy district.

.. Petitioner

And

The Additional Industrial Tribunal-cum-
Additional Labour Court, Hyderabad,
represented by its Presiding Officer,
M.J.Road, Hyderabad & another.

.. Respondents